

*FLATHAU, Robert J.**USSN: 10/626,014/*

REMARKS/ARGUMENTS

Applicant's attorney thanks the Examiner for his time in conducting the telephonic interview of June 9, 2005.

Claims 26, 29, 31 and 34 are pending. Claims 27-28, 30, 32-33, and 35-39 have been cancelled.

CLAIM REJECTIONS

35 USC Section 102

Claims 26-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Foy. Independent claims 26 and 31 have been amended to include the particular relationship of specific elements (as opposed to a "desired concept") as discussed in the telephonic interview. It is believed that support for the amendments can be found in the application as originally filed, and thus, no new matter is believed to have been added. These claims are believed to define subject matter that is patentable over Foy, since Foy does not teach, let alone suggest, the subject matter claimed.

More specifically, Foy fails to teach, let alone suggest, per Claim 26:

"using the conversion corner bracket, by disposing the conversion corner bracket between at least two of the plurality of standardized U.S.-dimensioned form-work panels such that the bracket body outer surface contacts the at least two form-work panels, to make a standardized metric-dimensioned building member".

Foy also fails to teach, let alone suggest, per Claim 31:

"using the conversion corner bracket, by disposing the conversion corner bracket between the at least two of the plurality of metric-dimensioned form-work panels such that the bracket body outer surface contacts the at least two form-work panels, to make a standardized U.S.-dimensioned building member."

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Amended Claims 29 and 34 depend from Claims 26 and 31, respectively, and as such are thus also believed to patentably define over Foy. Accordingly, Claims 26, 29, 31 and 34 are believed to be allowable in view of Foy.

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CONCLUSION

A Terminal Disclaimer is here submitted to overcome the provisional rejections based on the judicially created doctrine of obvious-type double patenting.

In view of the above, Applicant respectfully requests that the Examiner issue a Notice of Allowance for Claims 26, 29, 31 and 34. In addition, the Examiner is respectfully encouraged to contact the undersigned by telephone to discuss the above issues if it is believed that such a conference would be helpful.

A fee of \$130 should be charged to Deposit Account 23-2053 for the Terminal Disclaimer. No other fee or petition relating to this response is believed due at this time. If, however, a fee is due, it should be charged to Account 23-2053. Any petition required for the filing of this response should be considered provisionally made.

Respectfully submitted,



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Dated: August 11, 2005P.O. ADDRESS:

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